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PROTECTION OF OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND
SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL
USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

(Section II, chapter 9 of Agenda 21)

Text submitted by the Chairman on the basis of negotiations
held on document A/CONF.151/PC/100/Add.21

Addendum

Attached is the revised text of Programmes C and D of document
A/CONF.151/PC/100/Add.21.

C. SUSTAINABLE USE AND CONSERVATION
OF HIGH SEAS LIVING RESOURCES

Basis for action

61. Over the last decade, fisheries on the high seas have considerably expanded and currently represent approximately 5 per cent of total world landings. The 1982 United Nations Convention on the Law of the Sea sets forth the rights and obligations of States with respect to conservation and utilization of marine living resources on the high seas. 1/

62. However, management of high seas fisheries, including the adoption, monitoring and enforcement of effective conservation measures, is inadequate in many areas and some resources are overutilized. There are problems of unregulated fishing, overcapitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases and in general lack of necessary cooperation between States. Action by States, whose nationals and vessels fish on the high seas, as well as cooperation at bilateral, regional and global level, is essential particularly for highly migratory species and straddling stocks. Such action and cooperation should address inadequacies in fishing practices as well as in biological knowledge, fisheries statistics and improvement in systems for handling data. Emphasis should also be on multi-species management, and other approaches which take into account the relationships among species especially in addressing depleted species, but also in identifying the potential of underutilized or unutilized populations.

Objectives

63. States commit themselves to the conservation and sustainable use of marine living resources on the high seas. To this end, it is necessary to:

(a) Develop and increase the potential of marine living resources to meet human nutritional needs as well as social, economic and development goals;

(b) Maintain or restore populations of marine species at levels which can produce the maximum sustainable yield as qualified by relevant environmental and economic factors, taking into consideration relationships among species;

(c) Promote the development and use of selective fishing gear and practices that minimize waste of catch of target species and minimize bycatch of non-target species;

(d) Ensure effective monitoring and enforcement with respect to fishing activities;

(e) Protect and restore endangered marine species;

(f) Preserve habitats and other ecologically sensitive areas;

/...

(g) Promote scientific research with respect to the marine living resources in the high seas; 2/

[(h) Cooperate to ensure that high seas fishing does not have an adverse impact on the marine living resources under the national jurisdiction of coastal States.]

64. The ability of developing countries to fulfil the above objectives is dependent upon their capabilities, including the financial, scientific and technological means at their disposal. Adequate financial, scientific and technological cooperation should be provided to support action by them to implement these objectives. 2/

Activities

Management related:

65. States should take effective action, including bilateral and multilateral cooperation, where appropriate at the subregional, regional and global level, to ensure that high seas fisheries are managed in accordance with the provisions of the 1982 United Nations Convention on the Law of the Sea. 1/ In particular, they should:

(a) Give full effect to these provisions with regard to fisheries populations whose ranges lie both within and beyond Exclusive Economic Zones (straddling stocks);

(b) Give full effect to these provisions with regard to highly migratory species;

(c) Negotiate, where appropriate, international agreements for the effective management and conservation of fishery stocks;

(d) Define and identify appropriate management units;

(e) Develop guidelines for better implementation of the provisions of international law on high seas fisheries, reflected in the United Nations Convention on the Law of the Sea. 1/

[66. States whose [nationals] [vessels] fish for straddling stocks on the high seas and the coastal States in whose EEZs such stocks occur, should cooperate with a view to agreeing on measures [applicable on the high seas] necessary to ensure the conservation and sustainable use of such stocks. Such measures should:

(a) Be consistent with measures applied by the coastal States within the EEZ;

(b) Give effect to the special interest and responsibility of the coastal State with respect to the portion of the straddling stocks beyond the EEZ.]

/...

[67. States whose [nationals] [vessels] fish for stocks of highly migratory species on the high seas and coastal States in whose EEZs such stocks occur should cooperate with a view to agreeing on measures [applicable on the high seas] necessary to ensure the conservation and management of such stocks. Such measures should:

(a) Fully recognize the sovereign rights of the coastal States in their EEZs;

(b) Take into account the special interest of the coastal State in these stocks outside their EEZs, thereby avoiding adverse impacts on such stocks within their EEZs.]

[67. his States bordering on enclosed and semi-enclosed seas should cooperate with each other in the exercise of their rights and in the performance of their duties under relevant provisions of the Convention on the Law of the Sea, in particular, with respect to the management, conservation, exploration and exploitation of the marine living resources of the sea.]

68. States should ensure that fishing activities by vessels flying their flags in the high seas take place in a manner so as to minimize incidental catch.

69. States should take effective action consistent with international law to monitor and control fishing activities by vessels flying their flags on the high seas to ensure compliance with applicable conservation and management rules, including full, detailed, accurate and timely reporting of catches and effort.

70. States should take effective action consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas.

71. States should prohibit dynamiting, poisoning and other comparable destructive fishing practices.

72. States should fully implement General Assembly resolution 46/215 on large-scale pelagic drift-net fishing.

73. States should take measures to increase the availability of marine living resources as human food by reducing wastage, post-harvest losses and discards, and improving techniques of processing, distribution, and transportation.

Data and information

74. States, with the support of subregional, regional, and global intergovernmental organizations, as appropriate, should cooperate to:

(a) Promote enhanced collection of data necessary for the conservation and sustainable use of the marine living resources of the high seas;

(b) Exchange on a regular basis up-to-date data and information adequate for fisheries assessment;

(c) Develop and share analytical and predictive tools such as stock assessment and bioeconomic models;

(d) Establish or expand appropriate monitoring and assessment programmes.

International and regional cooperation and coordination

75. States, through bilateral and multilateral cooperation and within the framework of subregional and regional fisheries bodies as appropriate, and with the support of other international intergovernmental agencies should assess high seas resource potentials and develop profiles of all stocks (target and non-target).

76. States should ensure, where and as appropriate, adequate levels of coordination and cooperation between subregional, regional and global intergovernmental fisheries bodies.

77. Effective cooperation within existing subregional, regional or global fisheries bodies should be encouraged. Where such organizations do not exist, States should, as appropriate, cooperate to establish such organizations.

78. States with an interest in a high seas fishery regulated by an existing subregional and/or regional high seas fisheries organizations of which they are not members, should be encouraged to join that organization.

Means of implementation

[Financing and cost evaluation]

79. The costs of developing sustainable uses of high seas resources should be borne by utilizing countries. The principal costs of research and management systems in the high seas should also be supported by the States and the various users. However, the catalytic funding required to improve the database and scientific knowledge, the effectiveness of fisheries management bodies, and the participation of all coastal countries, especially developing ones, in this effort is estimated at \$12 million per year for this global issue, including \$5 million to strengthen international and regional organizations.]

Scientific and technological means

80. States, with the support of relevant international organizations, where necessary, should develop collaborative technical and research programmes to improve understanding of the life cycles and migrations of species found on the high seas, including identifying critical areas and life stages.

81. States, with the support of relevant subregional, regional and global intergovernmental organizations, as appropriate, should:

(a) Develop databases on the high seas marine living resources and fisheries;

(b) Collect and correlate marine environmental data with high seas marine living resources data, including the impacts of regional and global changes brought about by natural causes as well as by human activities;

(c) Cooperate in coordinating research programmes to provide the knowledge necessary to manage high seas resources.

Human resources development

82. Human resources development at the national level should be targeted at both development and management of high seas resources, including training in high seas fishing techniques, and in high seas resource assessment, strengthening cadres of personnel to deal with the high seas resource management and conservation, and related environmental issues, and training observers and inspectors to be placed on fishing vessels.

Capacity-building

83. States with the support, where appropriate, of relevant subregional, regional and global intergovernmental organizations should cooperate to develop or upgrade systems and institutional structures for monitoring, control and surveillance as well as the research capacity for assessment of marine living resource population.

84. Special support, including cooperation among States, will be needed to enhance the capacities of developing countries in the areas of data and information, scientific and technological means and human resource development in order to participate effectively in the conservation and sustainable utilization of high seas marine living resources.

[Marine mammals] 3/

D. SUSTAINABLE USE OF MARINE LIVING RESOURCES
UNDER NATIONAL JURISDICTION

Basis for action

85. World oceans yield 80 to 90 million tons of fish and shellfish per year, 95 per cent of which is taken from waters under national jurisdiction. Yields have increased nearly fivefold over the past four decades. The 1982 United Nations Convention on the Law of the Sea sets forth the rights and obligations of States with respect to conservation and utilization of marine living resources in areas under national jurisdiction. 1/

86. Marine living resources provide an important source of protein in many countries and their use is often of major importance to local communities and indigenous people. Such resources provide food and livelihoods to millions of people and if sustainably utilized, offer increased potential to meet nutritional and social needs, particularly in developing countries. To realize this potential requires improved knowledge of marine living resource stocks, particularly of underutilized and unutilized species, use of new technologies, better handling and processing facilities to avoid wastage and improved quality and training of skilled personnel to effectively manage and conserve the marine living resources of the EEZ and other areas under national jurisdiction. [Emphasis should also be on multi-species management and other approaches that take into account the relationships among species, especially in addressing depleted species, but also in identifying the potential of underutilized or unutilized populations.]

87. Fisheries in many areas under national jurisdiction face mounting problems, including local overfishing, unauthorized incursions by foreign fleets, ecosystem degradation, overcapitalization and excessive fleet sizes, underevaluation of catch, insufficiently selective gear, unreliable databases, increasing competition between artisanal and large-scale fishing, and between fishing and other types of activities.

88. Problems extend beyond fisheries. Coral reefs and other marine and coastal habitats such as mangroves and estuaries are among the most highly diverse, integrated and productive of the earth's ecosystems. They often serve important ecological functions, provide coastal protection, and are critical resources for food, energy, tourism and economic development. In many parts of the world, such marine and coastal systems are under stress or threatened from a variety of sources, both human and natural.

Objectives

89. Coastal States, particularly developing countries and States whose economies are overwhelmingly dependent on the exploitation of the marine living resources of their EEZs, should obtain the full social and economic benefits from sustainable utilization of marine living resources within their EEZs and other areas under national jurisdiction. 2/

90. States commit themselves to the conservation and sustainable use of marine living resources under national jurisdiction. To this end, it is necessary to:

(a) Develop and increase the potential of marine living resources to meet human nutritional needs as well as social, economic and development goals;

(b) Take into account traditional knowledge and interests of local communities, small-scale artisanal fisheries and indigenous people in development and management programmes;

(c) Maintain or restore populations of marine species at levels which can produce the maximum sustainable yield as qualified by relevant environmental and economic factors, taking into consideration relationships among species;

(d) Promote the development and use of selective fishing gear and practices that minimize waste of catch of target species and minimize by-catch of non-target species;

(e) Protect and restore endangered marine species;

(f) Preserve rare or fragile ecosystems as well as habitats and other ecologically sensitive areas. 2/

91. The ability of developing countries to fulfil the above objectives is dependent upon their capabilities, including the financial, scientific and technological means at their disposal. Adequate financial, scientific and technological cooperation should be provided to support action by them to implement these objectives. 2/

Activities

Management related

92. States should ensure that marine living resources of the EEZ and other areas under national jurisdiction are conserved and managed in accordance with international law as reflected in the provisions of the 1982 United Nations Convention on the Law of the Sea. 1/

[[93. or 94 bis.] States should give attention to issues related to the conservation and management of straddling stocks, migratory species and access to surplus.]

or

[[93. or 94 bis.] States should implement the provisions of the Convention on the Law of the Sea with regard to straddling stocks, migratory species and access to surplus.] 4/

94. Coastal States, individually or through bilateral and/or multilateral cooperation and with the support, as appropriate, of subregional, regional and global intergovernmental organizations, should inter alia:

(a) Develop the potential of marine living resources through the elaboration of inventories for their conservation and sustainable use;

(b) Elaborate strategies for the sustainable use of marine living resources, taking into account the special needs and interests of small-scale artisanal fisheries, local communities and indigenous people to meet human nutritional and other development needs;

(c) Implement, specially in developing countries, mechanisms to develop mariculture, aquaculture, small-scale, deep-sea and oceanic fisheries within areas under national jurisdiction where assessments show that marine living resources are potentially available;

(d) Strengthen their legal and regulatory frameworks, where appropriate, including management, enforcement and surveillance capabilities, to regulate activities related to the above strategies;

(e) Take measures to increase the availability of marine living resources as human food by reducing wastage, post-harvest losses and discards, and improving techniques of processing, distribution, and transportation;

(f) Develop and promote the use of environmentally sound technology under criteria compatible with the sustainable use of marine living resources including assessment of environmental impact of major new fishery practices;

(g) Enhance the productivity and utilization of their marine living resources for food and income;

[(h) Identify underutilized or unutilized fish stocks with a view to improving their exploitation pattern, inter alia by granting access to States in accordance with the provisions of the Convention on the Law of the Sea].

95. Coastal States should explore the scope to expand recreational and tourist activities based on marine living resources including for providing alternative sources of income. Such activities should be compatible with conservation and sustainable development policies and plans.

96. Coastal States should support the sustainability of small-scale artisanal fisheries. To this end, they should, as appropriate:

(a) Integrate small-scale artisanal fisheries development in marine and coastal planning, taking into account the interests of and, where appropriate, encouraging representation of fishermen, small-scale fisherworkers, women, local communities and indigenous people;

(b) Recognize the rights of small-scale fishworkers and the special situation of indigenous people and local communities, including their rights to utilization and protection of their habitats on a sustainable basis;

(c) Develop systems for the acquisition and recording of traditional knowledge concerning marine living resources and environment and promote the incorporation of such knowledge into management systems.

97. Coastal States should ensure that, in the negotiation and implementation of international agreements on the development or conservation of marine living resources, the interests of local communities and indigenous people are taken into account, in particular their right to subsistence.

98. Coastal States, with the support, as appropriate, of intergovernmental organizations should conduct analyses of the potential for aquaculture in marine and coastal areas under national jurisdiction and apply appropriate safeguards as to the introduction of new species.

99. States should prohibit dynamiting, poisoning and other comparable destructive fishing practices.

100. States should identify marine ecosystems exhibiting high levels of biodiversity and productivity and other critical habitat areas and provide necessary limitations on use in these areas, through, inter alia, designation of protected areas. Priority should be accorded, as appropriate, to:

- (a) Coral reef ecosystems;
- (b) Estuaries;
- (c) Temperate and tropical wetlands, including mangroves;
- (d) Seagrass beds;
- (e) Other spawning and nursery areas.

Data and information

101. States, individually or through bilateral and multilateral cooperation and with the support, as appropriate, of regional, subregional and global intergovernmental organizations, should:

(a) Promote enhanced collection and exchange of data necessary for the conservation and sustainable use of the marine living resources under national jurisdiction;

(b) Exchange on a regular basis up-to-date data and information necessary for fisheries assessment;

(c) Develop and share analytical and predictive tools such as stock assessment and bioeconomic models;

(d) Establish or expand appropriate monitoring and assessment programmes;

(e) Complete/update marine biodiversity, marine living resource and critical habitat profiles of EEZs and other areas under national jurisdiction, taking account of changes in the environment brought about by natural causes as well as human activities.

International and regional cooperation and coordination

102. States, through bilateral and multilateral cooperation, and with the support of relevant United Nations and other intergovernmental organizations should cooperate to:

(a) Develop financial and technical cooperation to enhance the capacities of developing countries in small-scale and oceanic fisheries as well as coastal aquaculture and mariculture; 2/

(b) Promote the contribution of marine living resources to eliminate malnutrition and to achieve food self-sufficiency in developing countries;

(c) Develop agreed criteria for the use of selective fishing gear and practices to minimize waste of catch of target species and minimize by-catch of non-target species;

(d) Promote seafood quality, including through national quality assurance systems for seafood, in order to promote access to markets, improve consumer confidence and maximize economic returns.

Means of implementation

[Financing and costing]

103. The total cost to restructure the fisheries sector is estimated at up to \$6 billion per year, excluding investments needed to organize sector reconversion to reduce overcapitalization. The catalytic funding proposed to implement the above activities at the national and regional levels is on the order of \$60 million annually to accelerate development and improve management, including \$4 million to strengthen regional and international organizations.]

Scientific and technological means

104. States, with the support of relevant intergovernmental organizations, as appropriate, should:

(a) Provide for the transfer of environmentally sound technologies to develop fisheries and aquaculture, particularly to developing countries;

(b) Accord special attention to mechanisms for transferring resource information and improved fishing and aquaculture technologies to fishing communities at the local level;

(c) Promote the study, scientific assessment and use of appropriate traditional management systems;

(d) Consider observing, as appropriate, the FAO/ICES Code of Practice for Consideration of Transfer and Introduction of Marine and Freshwater Organisms;

(e) Promote scientific research on marine areas of particular importance for marine living resources, such as areas of high diversity, endemism and productivity and migratory stopover points.

Human resource development

105. States individually or through bilateral and multilateral cooperation and with the support of relevant subregional, regional and global intergovernmental organizations, as appropriate, should encourage and provide support for developing countries, inter alia, to:

(a) Expand multidisciplinary education, training and research on marine living resources, particularly in social and economic sciences;

(b) Create training opportunities at national and regional levels to support artisanal including subsistence fisheries, to develop small-scale use of marine living resources and to encourage equitable participation of local communities, small-scale fisherworkers, women and indigenous people;

(c) Introduce topics relating to the importance of marine living resources in educational curricula at all levels.

Capacity-building

106. Coastal States, with the support of relevant subregional, regional and international agencies, where appropriate, should:

(a) Develop research capacities for population assessment of marine living resources population and monitoring;

(b) Provide support to local fishing communities, in particular those which rely on fishing for subsistence, indigenous people, and women, including, as appropriate, the technical and financial assistance to organize, maintain, exchange and improve traditional knowledge of marine living resources and fishing techniques, and upgrade knowledge on marine ecosystems;

(c) Establish sustainable aquaculture development strategies, including environmental management in support of rural fish farming communities;

(d) Develop and strengthen, where the need may arise, institutions capable of implementing the objectives and activities related to the conservation and management of marine living resources.

107. Special support, including cooperation among States will be needed to enhance the capacities of developing countries in the areas of data and information, scientific and technological means and human resource development in order to participate effectively in the conservation and sustainable use of marine living resources under national jurisdiction.

[Marine mammals] 3/

Notes

- 1/ This paragraph will be re-examined in light of further discussions.
- 2/ This paragraph will be re-examined in light of discussions on financial issues.
- 3/ This issue was not formally discussed in the contact group.
- 4/ Location of this paragraph, if any, is still under consideration.

/...

ADDENDUM TO PROGRAMMES C AND D

Alternative proposals for marine mammals to be inserted, as appropriate, in Programme Areas C and D: a/

DENMARK:

- [- Acknowledge the principles of sustainable use in all dealings with marine mammals resources, and recognize the special needs of developing countries and indigenous peoples of the marine resources of their nutritional and economic development.
- Support the IWC in its efforts to restore stocks of highly migratory species of whales and call for increased scientific research and advice to fulfil this effort.
- Support scientific research on small cetaceans with the aim of creating national and regional conservation of these species.
- Support the Bonn Convention in its efforts to promote the establishment of regional agreements on management and conservation of small cetaceans.
- Call on the Governments to review and strengthen all possible efforts to counteract pollution threats to all marine mammals.]

JAPAN:

[Support the International Whaling Commission in its efforts to ensure proper and effective conservation and development of large whale stocks.

Same efforts for conservation of other depleted or endangered marine mammals should be made by countries and appropriate international bodies.]

NEW ZEALAND:

Programme Area C

Additional Objective 64 (bis)

[States further commit themselves to cooperate with a view to ensuring the conservation of marine mammals and in the case of cetaceans, in particular, cooperate for their conservation, management and study.]

Activities

Management related

[84 bis. In recognition of the particular attention UNCLOS accords to the conservation and management of marine mammals, within national jurisdictions and on the high seas, States will cooperate with a view to the conservation of marine mammals, and in the case of cetaceans, shall in particular cooperate for their conservation, management and study. States therefore:

Recognize the IWC as the appropriate intergovernmental organization responsible for the conservation of whale stocks, the regulation of whaling and the conservation, management and study of cetaceans, in harmony with the United Nations Convention on the Law of the Sea;

Welcome the IWC report on small cetaceans and invites IWC to continue to strengthen this work, and call on Governments specifically concerned to respond promptly to the recommendations of the IWC's scientific committee on this issue;

Uphold the IWC's ongoing moratorium on commercial whaling;

Support the special consideration given to the concerns of indigenous people by the IWC's policy on aboriginal subsistence whaling and calls on the IWC to also consider the additional concerns of indigenous people and their communities;

Call on the IWC to take account of the best available scientific and traditional knowledge and urges that the results of such research and knowledge, as might be helpful, be made available to IWC;

Acknowledge that many environmental and development factors may affect whale populations, and accordingly calls on IWC to adopt a precautionary approach in all matters related to the protection, conservation and management of whale populations and their environments.

The same proposals would also be inserted into Programme Area D as follows. The additional objective would become paragraph 91 (bis). The activities would be inserted as paragraph 108 before the section "Data and Information".]

Notes

a/ The issue of marine mammals was not formally discussed in the contact group.
